

Meeting Minutes September 14, 2006

Town of Los Altos Hills City Council Regular Meeting

Thursday, September 14, 2006 6:30 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 6:36 p.m. in the Council Chambers at Town Hall.

require

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Planning Director Debbie Pedro, Public Works Director/City Engineer Henry Louie, and City Clerk Karen Jost.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to limit comments from the floor to three minutes.

Mayor Warshawsky announced that the next regularly scheduled Council meeting (September 28, 2006) would convene at 7:00 p.m. to accommodate Councilmember schedules.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to schedule the September 28, 2006 City Council meeting to start at 7:00 p.m.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Introduction of Captain Terry Calderone, Office of the Sheriff, Santa Clara County

Mayor Warshawsky introduced Captain Terry Calderone.

Captain Calderone thanked Council for the opportunity to introduce himself and offered that since his last appearance before Council he had received a promotion to Captain and was now serving in the capacity as the Town's Chief of Police.

Captain Calderone reviewed the selection process that had been initiated by the Department to replace Captain Hirowkawa. He noted that City Manager Carl Cahill along with the City Managers of Cupertino, Saratoga and Sheriff Laurie Smith had

participated in his appointment confirmation as the West Valley Commander. Council congratulated him on his new post.

Calderone introduced Lt. Mark Estes, new Assistant Division Commander and Los Altos Hills Assistant Chief of Police. He thanked the Council and extended an invitation to them to please call if they had any concerns or questions.

Council thanked Calderone for the excellent and professional public safety service they provide the Town.

2.2 Certificates of Appreciation – Public Education Committee

Mayor Pro Tem Jones, Public Education Committee Council Liaison, spoke to the dedicated commitment of the committee membership to their unusual charge. The Standing Committee was established three years ago with the mission to examine a monumental new problem, the lack of a public school located within the Town's boundaries. They gathered and examined a voluminous amount of data, conducted public polls, shared their findings with the community and Council and after reviewing all the options voted 11-0 to recommend redistricting to the Council and their recommendation was ultimately adopted by the City Council.

Council thanked the membership for their outstanding volunteer service. Committee members included: Duncan MacMillan, Chair, Roger Burnell, Edward Emling, Kathy Evans, Steve Hubbell, Jill Jensen, Kathleen Justice-Moore, Nancy Kelem, Dr. Jamie Lucia, John Radford and John Swan.

Mayor Warshawsky distributed Certificates of Appreciation to those members in attendance.

2.3 Appointments to Standing Committees

2.3.1 Open Space Committee

Mayor Warshawsky advised Council of Open Space Committee member Bob Lefkowitz' recent accident and subsequent resignation that had created the vacancy. Council wished him the best and extended wishes for a speedy recovery.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to appoint Karen Lemes to the Open Space Committee for a term of four years

2.3.2 Environmental Design and Protection Committee

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to appoint Lysbeth Goodman to the Environmental Design and Protection Committee for a term of four years.

2.3.3 Community Relations Committee – 1 Vacancy

Applicant Nick Osborne introduced himself to Council and expressed his interest in serving on the Standing Committee. He has assisted the Committee as a volunteer at past Town picnics.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to appoint Nick Osborne to the Community Relations Committee for a term of four years.

2.4 Purissima Hills Water District Presentation

Maury Johnson, President, Purissima Hills Water District Board, introduced himself to Council and commented that he had served as a Director since 1959. Johnson reported that going forward the District would have a Board representative attend regularly scheduled Council meetings and extended an invitation to the Council to attend a future District meeting. He advised Council that the targeted completion date for their new operations facility building was Thanksgiving. Johnson introduced Directors Ernie Salomon and Bob Anderson.

Director Ernest Solomon expressed his enjoyment in working with the Board and highlighted their dedication to serving the Town residents and ongoing efforts to ensure the continuing supply of water to their customers. The Board is currently investigating different methods to achieve the identified goal.

Director Robert Anderson spoke to his interest in the assessment of materials used in water distribution pipes and their role in pipe failures. He noted that the District was very careful in the quality of pipe they installed.

Council thanked the Directors for their update and comments and for the excellent service they provide the residents.

3. PLANNING COMMISSION REPORT

- Purissima Hills Water District Proposed Ordinance-Update

Planning Director Debbie Pedro reported that the Planning Commission had reviewed the draft ordinance proposed by the Water District at their August meeting. They did not recommend adoption but consensus was that going forward to assist the District with their efforts to educate the public on water conservation. In the future, the Town would route all landscaping plan submittals to the District for their review and comments.

Pedro advised that the Planning Commission at their September 7, 2006 meeting had voted unanimously to adopt a resolution in support of the City Council's school redistricting efforts. The City Clerk distributed a copy of the resolution which was authored by Commissioner Clow. (Planning Commission Resolution 1-06)

4. CONSENT CALENDAR

Item Removed: 4.10 (O'Malley)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the remainder of the Consent Calendar. Councilmember Mordo abstained from consideration of Item 4.5 due to a potential conflict of interest; his property was within 500 feet of the application.

- 4.1 Approval of Minutes: Regular City Council Meeting July 27, 2006
- 4.2 Review of Disbursements: 08/17/2006 – 08/29/2006 \$330,180.74
- 4.3 Approval of Agreement with CSG for Community Development Services – Resolution 85-06
- 4.4 Authorization of Pre-Tax Payroll Deductions for Service Credit Purchases – Resolution 86-06
- 4.5 Acceptance of Grant of Open Space Easement, Lands of Askari, 27861 Natoma Road (File #160-05-ZP-SD-GD) – Resolution 87-06
- 4.6 Acceptance of Grant of Open Space Easement, Lands of Oneonta, LLC, 25045 Oneonta Drive (File#18-06-ZP-SD-GD) – Resolution 88-06
- 4.7 Acceptance of Grant of Open Space Easement, Lands of Graham, 2344 Old Page Mill Road (238-05-ZP-SD) – Resolution 89-06
- 4.8 Emergency Operations Center Roof Replacement
- 4.9 Approval of a Policy to Require the Virtual Elimination of Mercury in Municipal Operations – Resolution 90-06

Items Removed:

- 4.10 Award of Contract: Construction of Guard Railing Project at Page Mill Road

Councilmember O'Malley requested clarification on the location of the guard railing project. City Engineer Louie advised that it was to be located on the curve before Via Ventana.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve Resolution 91-06 and award the contract to PC&N Construction for construction of the guard railing project at Page Mill Road.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Public Education: Bring the Future of Public Education to a Vote

Mayor Pro Tem Jones reported that the Ad Hoc Committee on District Reorganization had been actively working on the redistricting effort. Several subcommittees had been established and Chairs appointed. Each subcommittee had been charged with specific tasks that were focused on working towards the Santa Clara County Committee's scheduled hearing on December 7th. At that time, the County Committee would review the Town's redistricting resolution/petition and discuss the Committee's options. Jones added that the Ad Hoc Committee was being supported by professional consultants that were assisting them towards the goal.

Jones reported that private donations had funded a public polling of residents to determine the level of support in the community for redistricting. The survey had just been completed and he expected the findings to be released shortly. The initial preliminary report showed that support for redistricting had increased two fold since the earlier poll conducted by the Public Education Committee and strong support had quadrupled. The poll results reflected that people were keen that residents were treated fairly and wanted assurance their tax money went for elementary and middle school education that was accessible to residents. Jones believed that this was a reflection of the public's dissatisfaction with the status quo and noted that the ultimate decision on redistricting would be determined by the voters.

5.1.2 Underground Utilities: Develop a Financing Plan for Voter Approval

Mayor Warshawsky reported that construction of the Town's Undergrounding Pilot Project was back on schedule. He explained that PG&E had suggested that there might be a delay due to the additional work load created by last year's winter storm but the issue has been resolved. Construction would begin in the summer of 2007 and the projected completion of the project was December 2007.

Warshawsky advised that the Ad Hoc Committee had refocused their efforts on undergrounding after reviewing the results of the telephone survey conducted by Godbe Research and determining that the level of resident support necessary to move forward with financing options was not evident. The Committee was investigating the development of a plan to facilitate neighborhood sponsored assessment districts.

5.1.3 Sanitary Sewers: Update and Implement the Master Plan

City Engineer/Public Works Director Henry Louie advised Council that he would be forwarding a request to Council at the next meeting for a study of the sanitary sewer expansion project that would include the skeleton of the sewer system for the Town and estimated improvement construction costs.

5.1.4 Wireless Communications: Continue to Improve Town Wide

Cell Coverage

Discussed under Agenda Item 11.1

5.1.5 Complete General Plan Review

Councilmember O'Malley reported that the General Plan Ad Hoc Committee was continuing to meet on a bi-weekly basis. Meetings with the Open Space and Parks and Recreation Committees were scheduled to collect their input on the Elements. Comments were also being sought from the Environmental Initiatives Committee on solar and alternative energy sources and recycling and from the Purissima Hills Water District on water conservation.

5.1.6 Possible Update to Town Goals In Light of City Council Strategic Goal Setting Session

Mayor Pro Tem Jones explained that he had forwarded this item to Council for discussion. He reviewed his proposed language modifications with Council and noted that they were a result of the recent Council Strategic Goal Setting Session.

Council discussion ensued. There was a consensus for the following amendments to the Town Goals: 5.1.2 Modified to read "Underground Utilities - Complete Pilot Projects and Assist Underground Assessment Districts"; and, the addition of 5.1.6 Develop Plan For and Begin the Process of Approval of the Building of a New Town Park/Recreational Facility.

Council provided direction to the Parks and Recreation committee to investigate the preliminary design of the proposed park that incorporated features identified during the Strategic Goal Setting Session. Features discussed included: youth play structures, playing fields, picnic area, and adequate parking space- layout/footprint could determine size and cost. City Manager Cahill suggested that a contract with a consultant for a conceptual plan that would reflect the amount of land that would be needed for the project could be authorized under the City Manager's signature authority. Council concurred.

5.2 Consideration of Date for Annual Volunteer Recognition Dinner

The City Clerk introduced this item to Council and offered that she was seeking their approval of the date for the annual event and confirmation of the invitation list. Due to the increase in community volunteers and the limit of the facility to 200 guests, staff was recommending that invitations be extended to all standing, ad hoc, and special committee members, Planning Commissioners, volunteers appointed to outside agencies, staff and their respective guests.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve October 20, 2006 as the date of the Annual Volunteer

Recognition Dinner and direct the clerk to proceed with the invitations as outlined in the staff report.

5.3 Consideration of Sewer Connection Fee Credit

City Engineer/Public Works Director introduced this item to Council. Louie explained that sewer connection fees were a one-time fee paid by those wishing to connect a new facility to a public sewer system. The Town's fee was established in the 1970's and re-evaluated in 2005. The current connection fee being charged by the Town was \$7,950.

Louie summarized the historical fee schedule that had been employed by the City of Los Altos for sewer capacity rights sold to Town residents for the Los Altos Sewer Basin. Per the Town's Municipal Code, the Town was obligated to credit applicants with the capacity previously paid for and purchased for the property. If documentation was not available regarding the purchase price, the Town was obligated to determine the likely fee paid for the capacity. Louie explained that most of the unused capacity rights were purchased before 1995 at a cost of \$1,849.85; therefore, staff was recommending a lump sum credit amount of \$2,000 for the sewer connection fee credit per connection to the property owner who owns the unused sewer capacity rights in the Los Altos Basin.

Council discussed the proposal. Councilmember O'Malley explained that there were approximately 350 rights that had been sold and were not connected. It would be difficult for many of the holders of the rights to prove what they paid and the approach outlined by Louie was a fair and equitable way to give credit to the owners at the time of connection.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to approve Resolution 92-06 approving a sewer connection fee credit for property owners that previously purchased capacity rights from the City of Los Altos.

5.4 Consideration of Council Resolution Directing the Pathways Committee to Focus on Identifying Pathways Most in Need of Maintenance or Development

City Manager Carl Cahill introduced the item to Council. Council at their August 24, 2006 Strategic Goal Setting Session had requested that staff prepare a resolution that would direct the Pathways Committee to defer from mapping activities at this time and focus on the construction of new pathways and maintenance projects. Cahill noted that Council was very appreciative of the work of the Committee and their efforts in finalizing the Master Path Map that had ultimately been approved by Council and were now requesting support from the Committee towards garnering funds available for pathways and trail construction from outside agencies and identifying pathways maintenance needs.

OPENED PUBLIC COMMENT

Dot Schriener, Saddle Mountain, requested clarification on the direction to the Pathways Committee. She commented that they were almost finished with a working pathway map that would be for internal use only.

CLOSED PUBLIC COMMENT

Council briefly discussed the item and noted that there was a Council consensus to direct the Pathways Committee to focus their energies on the building and maintenance of pathways. Additionally, Council requested support from the Committee membership in seeking potential sources of grant money for pathways construction and assistance in the grant writing process.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution 93-06 directing the Pathway Committee to focus on identifying pathways most in need of maintenance or development.

6. NEW BUSINESS

6.1 Compliance with Homeland Security Presidential Directive 5 (HSPD5)

Public Safety Officer Steve Garcia reviewed the Homeland Security Presidential Directive 5 that mandated Councilmember training on the National Incident Management System (NIMS) with Council. Staff was recommending that Council consider scheduling the training as part of their regular meeting on September 28, 2006. Garcia had received certification from the California Office of Emergency Services to provide the required SEMS/NIMS training.

Council directed staff to agendize the training and to extend an invitation to the Planning Commissioners for the session.

6.2 Consideration of Bleacher Replacement at Purissima Little League Fields

City Manager Cahill summarized the staff report before Council that recommended the use of 2000 Park Bond Act funds to replace the bleachers at the Purissima Little League Fields. The staff report included photographs of the bleachers illustrating their deteriorating condition. Cahill advised that the Los Altos Little League would participate in the funding of the replacement project and had approved a budget of \$4,050.00, approximately 25% of the project.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the use of 2000 Park Bond Acts funds for the Little League Bleacher replacement project in a not-to-exceed amount of \$16,200 and to adopt Resolution 94-06 awarding the project to Stages Unlimited.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Solar Trackers – Jay Shideler, Environmental Initiatives Committee

Jay Shideler, Via Ventana Way, Environmental Initiatives Committee member, addressed Council. He had prepared a PowerPoint presentation titled “Analysis of Self-Installed Solar Photovoltaic Fixed and Tracker Installations” as an informational item for Council. Topics covered in Shideler’s presentation included: the 2001- 2500 Watt, 353 FT² fixed-position, ground mounted photovoltaic installation; 2005 dual-axis photovoltaic tracker installation; and review of degradation problems with photovoltaic solar panels. Photos of the referenced solar systems at Shideler’s residence were shared with Council. Shideler reviewed a chart comparing the output of the two systems. Shideler concluded his presentation with the following “take away message”: tracker P.V. installations can produce significantly more power than fixed ones with 2-5 year payback for extra cost of tracker equipment; photovoltaic technology has improved dramatically; each application was unique; trackers cannot be used for roof-mounted applications; good photovoltaic panels have warranties of 25 years; degradation can happen-be sure to check the system when power reduction was noted; and negotiate with solar photovoltaic contractors for labor warranties greater than 5 years.

Council thanked Shideler for his enlightening presentation. Councilmember Kerr requested that the option of solar trackers be included in the RFP under development by the City Engineer for the solar system at Town Hall.

COUNCILMEMBER REPORTS

Councilmember O’Malley reported that the Sewer Agreement between the Town and the City of Los Altos was currently under review by the City Attorney Steve Mattas’s office. He expected the final agreement to be forwarded to Council for their consideration in the near future.

8. STAFF REPORTS

8.1 City Manager

City Manager Cahill reported that he had attended the Annual League of California Cities Conference.

8.2 City Attorney

No report.

8.3 City Clerk

8.3.1 Report on Council Correspondence

No report.

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Councilmember Use of Town Email Addresses for Official Councilmember Correspondence – Councilmember Mordo

Councilmember Mordo had brought this item forward for discussion following comments from a resident that suggested that Councilmember email correspondence regarding Town business should be in the public domain and accessible. Mordo suggested that all Councilmember email addresses be provided by the Town and located on the Town's network/server.

Council discussion ensued. There was no consensus for the proposal.

9.2 WCB Committee Workplan-Next Steps – Councilmember Mordo

Councilmember Mordo reported that he had scheduled the first meeting of the Westwind Community Barn Committee. In addition to the Committee members, he had extended an invitation for the initial meeting to all persons who had expressed an interest in serving on the Committee.

The City Clerk distributed a work plan that had been developed by Mordo for the Committee. He reviewed the scope of his proposal that included the following: 1) reach agreement on the activities at Westwind Community Barn; 2) develop a plan for the restoration including the layout of the facility and prioritization of the renovation work; 3) evaluate sources of financing; and 4) recommend governance setup that will allow the identified goals to take place.

Mordo noted that the membership was reviewing their options for a permanent meeting schedule and commented that they would meet possibly two times a month during the early phase of the workplan. He expected several subcommittees to be established and workplan items to proceed in parallel.

Council supported his workplan for the WCBC. Following a brief discussion, Council consensus was to avail the Committee of Town staff (Parks and Recreation Supervisor) support when they had specific questions that needed to be addressed.

10. PRESENTATIONS FROM THE FLOOR

Jay Shideler, Environmental Initiatives Committee addressed Council. He explained that he was before Council representing the Single Stream Recycling subcommittee of the EIC and noted that he was the primary liaison with the Los Altos Garbage Company. Shideler expressed his concern that the Town was not achieving the expected improvements in recycling by instituting the single stream option. He and EIC member John Harpootlian had meet with representatives of LAGCo to review their reporting methods and revised spreadsheets would be forthcoming from the company that will assist them in monitoring the program. Shideler added that there was an apparent

upswing in curbside recycling that could be attributed to the educational forum at the Town picnic. LAGCo was continuing to work with the EIC to increase awareness and a flyer would be included in their next billing and an article in the next Town Newsletter.

Mayor Pro Tem Jones advised Council and Mr. Shideler that the Los Altos Garbage Company would be reporting to the Council at a future meeting on the Town's curbside recycling program. The report would include comparisons to other cities with similar geographical characteristics and other methodologies being incorporated into programs and their results.

John Harpootlian, Anacapa Drive, alerted the Council to a recently sent email from EIC Committee Chair Peter Evans relating to a meeting with the Purissima Hills Water Districts and their discussions on water conserving measures.

11. PUBLIC HEARINGS

11.1 Request for Use of Amplified Sound for the Walkathon Fundraiser on Saturday, October 21, 2006 from 8:30 AM-4:30 PM at the Los Altos Hills Town Parks and Recreation Facility (Little League Fields) 27500 Purissima Road – Bullis Charter School, Event Sponsor

Planning Director Debbie Pedro introduced the item to Council. Council had before them a staff report that included the Conditional Use Permit requirements for the site and Conditions of Approval. Condition #4 required that anyone requesting the use of outdoor sound amplification at the facility submit a written request to the Town for review and approval by the City Council at a publicly noticed hearing. Pedro noted that the applicant had conducted a similar event the last two years without incident or neighbor comment.

OPENED PUBLIC HEARING

Jerry Wittenauer, neighbor of the Little League facility, voiced his endorsement of the event and supported their request to use amplified sound.

CLOSED PUBLIC HEARING

Council thanked Mr. Wittenauer for attending the meeting and participating in the hearing and sharing a positive comment with Council.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the request to use outdoor sound amplification for the Bullis Charter School Walkathon, to be held on Saturday, October 21, 2006 at the Town's Little League Fields.

11.2 T-Mobile USA Requests a Site Development Permit and Conditional Use Permit for a Wireless Communications Facility to be collocated on the Approved 65 Foot Tall (Verizon Wireless) Monopine at the Westwind Barn Property; Lands of Los Altos Hills; 27210 Altamont Road (File #121-06-ZP-SD-CUP) (CEQA Review: Categorical Exemption per Section 15301(a))

Planning Director Debbie Pedro introduced this item to Council. Before Council for their consideration was a request from T-Mobile for a Site Development Permit and Conditional Use Permit subject to recommended conditions and findings of approval. The application called for the proposed antenna to be collocated on the previously approved Verizon Wireless treepole at Westwind Barn. Staff was recommending approval.

Pedro proceeded with a PowerPoint presentation of the application that included: a site plan identifying the location of the treepole, equipment enclosure and barn; T-Mobile antennas elevation on the Verizon treepole (48'); schematic of the enlarged equipment cabinet to accommodate T-Mobile; picture of proposed concrete block equipment unit; tree stumps to be removed and replaced by the project's treepole; and, text of an additional recommended condition of approval. Pedro noted that even though neither application called for the installation of a generator, the Planning Commission had recommended that the equipment unit be modified to reduce any potential noise from the equipment. The unit had been redesigned to include concrete block walls on all four sides and foam pads on the interior walls.

Pedro reviewed that additional condition noting that it had been inadvertently left off of the staff report. The condition read: "4a. Not later than thirty (30) days after installation and initial operation of the antenna facility, and on or prior to January 1st of each year thereafter, testing of radio frequency emissions shall be conducted by qualified professionals and the reports of such testing shall be provided in writing to the Planning Department, with a comparison of applicable Federal emission standards. If at any time the emission levels are shown not to comply with Federal standards, the use permit shall be scheduled for a revocation hearing before the Planning Commission.

Pedro identified several special recommended conditions for the project that included a landscape in lieu fee to cover the cost of landscape screening for the equipment unit and the removal of the existing tree stump and replacement of the pine tree that was removed.

In response to a question from Council, Pedro offered that the building permit for the Verizon project had been issued by the Town and the expectation was for construction to begin by the end of September and require approximately two months to complete.

Chad Abbot, applicant representative, thanked staff for the cohesive summary of the project and offered that he was available to answer any questions. He noted that the T-Mobile antennas would be collocated on the Verizon treepole and would require no aesthetic changes to the previously approved project.

Mayor Pro Tem Jones queried Abbott on T-Mobiles market share and service to the Town. Abbott offered that they are currently in an expansive phase and are not providing

service to the Town. They are working aggressively to improve their standing in the wireless market

OPENED PUBLIC HEARING

Kathy Evans, resident, questioned if the antenna construction would have any impact on the Holiday Lighting Event at Westwind Barn scheduled for December 2nd. Staff advised that they were working closely with the vendor and the Barn to minimize disruption at the site.

CLOSED PUBLIC HEARING

Mayor Pro Tem Jones voiced his support for the project noting that it improved cell coverage with no additional cell poles.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve the requested Site Development Permit and Conditional Use Permit subject to the amended recommended conditions of approval. (Addition of COA 4a)

11.3 Amendment to the Site Development Ordinance with Regard to Development of Ridgelines, Hilltops and Highly Visible Lots (Section 10-2.702, Siting). (CEQA Review: Categorical Exemption per Section 15061(b))

Planning Director Debbie Pedro introduced the item to Council. Council had before them a staff report and the proposed ordinance that had been drafted by the Planning Commission. The Planning Commission at their September 7, 2006 meeting had voted unanimously to recommend removal of the term “highly visible lots” from the site development ordinance. To strengthen the language in the ordinance, the Commission had also recommended two additional changes to Section 10-2.702. The first recommendation related to Section 10-2.702b (4) and required that all mitigation options for structures built on ridgelines or hilltops be applied. The existing ordinance called for the use of one or more techniques that included landscaping; use of a low profile house, with a sloping roofline and foundation that follows the natural contours of the site; and the use of exterior roofing and siding materials and colors that blend with the natural landscape. The second recommended change by the Commission required that all houses on ridgelines and hilltops would be forwarded to the Planning Commission for a scheduled public hearing and would no longer qualify for the Fast Track process.

City Manager Cahill suggested that if Council was supportive of the second proposed amendment to the ordinance, they consider modifying it to read houses greater than one story on ridgelines and hilltops would not qualify for the Fast Track process. Staff noted the incentive value of Fast Track to applicants to design a house that met the Town’s codes and was agreeable to the neighbors (no neighborhood opposition). This incentive would be eliminated with the proposed amendment.

OPENED PUBLIC HEARING

Dot Schreiner, Saddle Mountain Drive, offered that the erection of story poles were a good indication to residents located outside the noticed 500 feet of the visibility of a project and provided a good incentive for neighbors to visit Town Hall to comment on the project and participate in the process.

CLOSED PUBLIC HEARING

Council discussion ensued. It was noted that Council's direction had been to remove the "highly visible lots" definition from the ordinance because of the subjectivity of the language. They reviewed the necessity of requiring all options to visually mitigate the structure or one or two of the methods. Council questioned why the new recommendations were being forwarded and suggested that there was still some subjectivity in the new language. They supported flexibility for staff during the review process and noted that historically, there was not a problem with the existing code and their main objective in amending the code was the removal of the subjectivity from the language. Council appreciated the efforts of the Planning Commission but there was not a consensus for their recommended amendments.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to amend the proposed ordinance as it appeared as Attachment 1 in the staff report to only include the removal of the terminology "highly visible lot" from the Site Development Ordinance Section 10-2.702 and no further changes and to waive reading and introduce the ordinance as amended.

Councilmember Mordo offered a friendly amendment to the motion to remove "one or more" from Section 10-2.702.b. There was no consensus for the amendment.

Council adjourned to Closed Session at 10:55 p.m.

12. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9(c).

Initiation of Litigation: one case

Council reconvened to Open Session at 11:05 p.m.

No Action was taken

13. ADJOURNMENT

There being no further business, the September 14, 2006 regular City Council meeting was adjourned by consensus of the Council.

Respectfully submitted,

Karen Jost, City Clerk
City Clerk

The meeting minutes for the September 14, 2006 City Council Regular Meeting were approved as presented at the September 28, 2006 City Council Regular Meeting.